

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TINA M. GREGORY f/k/a)
Tina Adams Green;)
individually and as Class)
Representative for all others)
similarly situated,)
Plaintiffs,)

v.)

PREFERRED FINANCIAL)
SOLUTIONS;)
CREDIT CARD RELIEF;)
THOMAS P. DAKICH,)
d/b/a DAKICH & ASSOCIATES;)
JEFFREY BROOKS;)
RHONDA ROELL-TAYLOR;)
LARRY D. WILSON;)
ROD MILLER;)
DANIEL YUSKA;)
STEVE MLYNSKI;)
JEFF WHITEHEAD; and)
LAQUETTA PEARSON,)
Defendants.)

CIVIL ACTION NUMBER

5:11-CV-00422-MTT

**PLAINTIFF’S RESPONSE TO
DEFENDANT ROELL-TAYLOR’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendant, Rhonda Roell-Taylor (“Taylor”) had filed a Motion for Summary Judgment as to herself individually. Plaintiff Tina M. Gregory f/k/a Tina Adams Green (“Gregory”) hereby submits the following Response, and for reasons stated herein, consents to the Granting of Taylor’s Motion as to Defendant Taylor individually.

ARGUMENT AND CONCLUSION

I. Based upon the Affidavit of Taylor submitted herewith, there is no genuine dispute of any material fact as to Taylor's individual liability.

Defendant Taylor has moved this Court for summary judgment individually stating that she had not violated the Georgia Debt Adjusting Act (GDAA), OCGA §§ 18-5-1 *et. seq.* To violate the GDAA the Defendant Taylor would have had to have been involved in the activities defined in the GDAA as debt adjusting for a fee. In her Motion for Summary Judgment (Doc. 118) ("Taylor MSJ"), Taylor declares the following to be "... Undisputed Facts Relevant to Defendant Taylor's Motion":

9. As an LPPA, Defendant Taylor was hired as a Georgia attorney to review the Plaintiffs enrollment forms, conduct a telephone consultation (with the customers/debtors), and to send an engagement letter to the particular client.

...

12. Taylor, as an LPPA, did not perform any debt adjustment services.

Doc. 118, pp. 4-5.

Defendant Taylor did not present any deposition or affidavit testimony to support the stated facts in her MSJ. However, Defendant Taylor has now reduced her testimony to an affidavit which is submitted and attached hereto as Exhibit A which confirms that Taylor did not perform any debt adjusting for the Plaintiff or anyone else in the Preferred Plan; nor did she supervise anyone in her office or in anyone else's office to perform debt adjusting; and nor did she conduct any meaningful review for approval of any of the debt settlement agreements with the creditors of the Plaintiff or anyone else. See Exhibit A, ¶¶ 8, 9, 14 and 15.

As Plaintiff has stated in previous pleadings, the debt adjusting activities performed for the Plaintiff and the Class Members was conducted by employees of Preferred, Dakich or

Whitehead in Indiana without the supervision or involvement of the LPPA in Georgia, therefore Plaintiff consents to an entry of Summary Judgment as to Defendant Rhonda Roell-Taylor and reserves her claims against all other Defendants.

The Court need not engage in an analysis of the facts as to Taylor's liability under the GDAA as the undisputed facts from Taylor herself demonstrate that Defendant Taylor did not engage in debt adjusting in violation of the Act. Further, if the Defendant Taylor did not engage in debt adjusting, then there is no need to analysis whether her actions were exempt as "debt adjusting incurred in the practice of law in this state." OCGA § 18-5-3.

Respectfully submitted this 15th day of April, 2014.

**CORY, WATSON, CROWDER &
DEGARIS, PC**

/s/ George Richard DiGiorgio
George Richard DiGiorgio
Alabama Bar No.: ASB-0289-R72G
F. Jerome Tapley
Alabama Bar No.: ASB-0583-A56T
Jon C. Conlin
Alabama Bar No.: ASB-7024-J66C
Admitted Pro Hac Vice
2131 Magnolia Avenue
Birmingham, AL 35205
Telephone: (205) 328-2200
Facsimile: (205) 324-7896
rdigiorgio@cwcd.com
jtapley@cwcd.com
jconlin@cwcd.com

HURT STOLZ, P.C.
James W. Hurt, Jr.
Georgia Bar No. 380104
345 West Hancock Avenue
Athens, Georgia 30601
Telephone: (706) 395-2750
Facsimile: (866) 766-9245
jhurt@hurtstolz.com

HULL BARRETT, P.C.

David E. Hudson
Georgia Bar No. 374450
Christopher A. Cospers
Georgia Bar No. 142020
Christopher J. Driver
Georgia Bar No. 230803
Post Office Box 1564
Augusta, Georgia 30903-1564
Telephone: (706) 722-4481
Facsimile: (706) 722-9779
ccosper@hullbarrett.com
dhudson@hullbarrett.com
cdriver@hullbarrett.com

CLARK & SMITH LAW FIRM, LLC

John Christopher Clark
3402 Vineville Avenue, Suite A
Macon, Georgia 31204
Telephone: (478) 254-5040
Facsimile: (478) 254-5041
chris@clarksmithlaw.com

**ATTORNEYS FOR PLAINTIFFS
AND PLAINTIFF CLASS MEMBERS**

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that I have this day served all counsel of record in the foregoing matter with a copy of *Plaintiffs' Response to Defendant Roell-Taylor's Motion for Summary Judgment* by electronically filing a copy of same with the Clerk of Court using the CM/ECF system, which will send notification to the following parties:

Steven F. Casey
JONES WALKER LLP
1819 Fifth Avenue N.
Suite 1100
Birmingham, AL 35203
Telephone: (205) 244-5283
Facsimile: (205) 244-5483
dlester@joneswalker.com

William E. Raney
COPILEVITZ & CANTER, LLC
310 West 20th Street, Suite 300
Kansas City, MO 64108
Telephone: (816) 472-9000
Facsimile: (816) 472-5000
braney@cckc-law.com

James W. Davis
143 Lamar Street
Macon, GA 31204
Telephone: (478) 742-1440
Facsimile: (478) 742-6419
jdavis@jameswdavislaw.com

This 15th day of April, 2014.

/s/ George Richard DiGiorgio
George Richard DiGiorgio